

Municipal Services Agency  
Robert B. Leonard, Administrator

Department of Water Resources  
Michael L. Peterson, Director



Bradley J. Hudson,  
County Executive

## County of Sacramento

August 24, 2011

Phil Isenberg, Chair  
Delta Stewardship Council  
980 9<sup>th</sup> Street, Suite 1500  
Sacramento, CA 95814

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### Re: Delta Plan/Risk Reduction Policy RR P3

Dear Chair Isenberg:

We are writing you this letter in advance of our more comprehensive and complete comments on Draft #5 of the Delta Plan (Plan). It is clear that the Plan continues to make incorrect conclusions, is self-contradicting, and puts forward overreaching policies and recommendations beyond those statutorily intended or authorized. After reviewing Chapter 7, "Reduce Risk to People, Property, and State Interests in the Delta," we feel it is important to express our significant concerns about the near- and long-term impacts to the existing and future socioeconomic framework of the Delta should the Delta Stewardship Council (DSC) adopt and, in turn, attempt to implement Risk Reduction Policy RR P3 (and accompanying Table 7-1).

Further, contrary to the Problem Statement in Chapter 7, page 173 of the Plan, the protection of life and property in the Delta (and the entire County) is of the utmost importance to the leadership of Sacramento County. Our existing land use policies and regulatory practices, in concert with our floodplain management ordinance (which exceeds FEMA requirements), not only provide us with the necessary tools to effectively address and achieve this priority objective, but clearly demonstrate the importance that Sacramento County places on protecting its residents.

Our primary concern is that RR P3, one of the Plan's 12 self-prescribed "regulatory policies," predetermines which land uses will be deemed to be compatible with the Plan. This predetermination, based solely on levee structural conditions, is: (1) inconsistent with the ever-evolving covered action and project consistency certification process(es), as currently described in the Governance chapter of the draft Plan; (2) extends far beyond the statutory authority granted to the DSC by the Delta Reform Act of 2009 (Act); (3) negates current federal regulatory floodplain requirements which protect life, property, and State interests in the Delta; and (4) is inconsistent with the Legislature's intent of creating a State-wide body that would effectively and reasonably manage the diverse socioeconomic fabric which is unique to the Sacramento-San Joaquin Delta. Moreover, RR P3 conflicts with, and in fact significantly precludes, the key objectives of the Delta Protection Commission's (DPC) soon to be released Economic

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Sustainability Plan (ESP) as it will all but eliminate future opportunities for economic growth and development in the Delta, particularly in and around the legacy communities. This is especially troubling as seven of the eleven legacy communities identified in the Act (PRC section 32301(f)) are located within unincorporated Sacramento County.

Therefore, we strongly recommend that RR P3 not be amended, but rather be eliminated from the Plan all together. Conversely, to ensure the Plan will be an effective policy tool for achieving the Act's coequal goals, Sacramento County supports the DSC's on-going efforts to revise, clarify, and improve the covered action and consistency review process(es), as described in chapter 3 (Governance) and the Plan's Administrative Procedures (Appendix B).

In closing, we recognize the challenges the DSC faces in developing and adopting a workable and implementable land use, ecosystem restoration, water supply, risk reduction, and floodplain management blueprint for the Delta (and Suisun Marsh). However, because Policy RR P3 is so draconian (and a borderline taking) that it will cause irreversible economic harm to the residents and business owners in the Delta, we feel compelled to voice our concerns right now rather than wait for the completion and submittal of our general comments on Draft #5.

Thank you for your time and commitment to move forward. Please Don Thomas, Senior Planner, Sacramento County Department of Water Resources, at (916) 874-5140 or me should you have questions or a desire to schedule a meeting to discuss Sacramento County's concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael L. Peterson".

Michael L. Peterson, Director  
Department of Water Resources

MLP/DT:sa

cc: Supervisor Don Nottoli, District 5  
Rob Leonard, Administrator, MSA  
Bob Ryan, County Counsel  
Pete Kutras, Municipal Resource Group  
Don Thomas